

Joyce W. Lindauer
State Bar No. 21555700
Joyce W. Lindauer Attorney, PLLC
1412 Main Street, Suite 500
Dallas, Texas 75202
Telephone: (972) 503-4033
Facsimile: (972) 503-4034
ATTORNEY FOR DEBTOR

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

PREFERRED READY-MIX LLC,

Debtor.

§
§
§
§
§

CASE NO. 21-33369

Chapter 11

**DEBTOR PREFERRED READY-MIX LLC'S OBJECTION TO CLAIM OF RAY
YOUNG JR. (CLAIM NO. 11)**

THIS IS AN OBJECTION TO YOUR CLAIM. THIS OBJECTION ASKS THE COURT TO DISALLOW THE CLAIM THAT YOU FILED IN THIS BANKRUPTCY CASE. IF YOU DO NOT FILE A RESPONSE WITHIN 30 DAYS AFTER THE OBJECTION WAS SERVED ON YOU, YOUR CLAIM MAY BE DISALLOWED WITHOUT A HEARING.

A HEARING HAS BEEN SET ON THIS MATTER ON APRIL 6, 2022 AT 11:00 A.M. BEFORE THE HONORABLE JEFFREY P. NORMAN, UNITED STATES BANKRUPTCY COURT.

TO THE HONORABLE U.S. BANKRUPTCY JUDGE:

COMES NOW Preferred Ready-Mix LLC, Debtor herein (“Debtor”), and files this its Objection to Claim of Ray Young Jr., and would respectfully show this Court as follows:

I. JURISDICTION

1. The Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(A) and (B).

2. Venue is proper pursuant to 28 USC § 1408 and 1409.

II. FACTUAL AND PROCEDURAL BACKGROUND

3. On October 14, 2021 (“Petition Date”) the Debtor filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code 11 U.S.C. §§ 101 et seq. (the “Bankruptcy Code”).

4. The Debtor’s plan of reorganization has not yet been confirmed.

5. Ray Young Jr. (the “Claimant”) filed proof of claim no. 11 in the Debtor’s case in the amount of \$3,172.68 (the “Claim”). The Claim is alleged to be a priority claim. A true and correct copy of the proof of claim is attached hereto as Exhibit “A.”

III. OBJECTIONS TO CLAIM

6. The Debtor objects to the Claim for the following reasons:

a. The Debtor objects to the Claimant’s characterization of the Claim as a priority claim. Claimant is not entitled to any wages, salaries, or commissions earned within 180 days before the bankruptcy petition was filed.

b. The Debtor objects to the Claim in its entirety as the Debtor has paid any wages, salaries, or commissions earned by Claimant. The Claimant was employed by Debtor for approximately one week and was paid for every hour worked that week.

c. Claimant arrived at work after the first week under the influence and was immediately let go by Debtor. Substance abuse during work would cause a major safety issue for Claimant as well as other employees. Showing up for work in such a state was immediate grounds for termination.

7. Based on the foregoing, the Debtor objects to the allowance of any part of the Claim. The Affidavit of Robert Foran is attached hereto as Exhibit "B" and verifies this Objection.

WHEREFORE, PREMISES CONSIDERED, the Debtor requests the Court to enter an order disallowing the Claim and granting such other and further relief to which the Debtor may be justly entitled.

Dated: March 2, 2022.

Respectfully submitted,

/s/ Joyce W. Lindauer

Joyce W. Lindauer
State Bar No. 21555700
Joyce W. Lindauer Attorney, PLLC
1412 Main St. Suite 500
Dallas, Texas 75202
Telephone: (972) 503-4033
Facsimile: (972) 503-4034
ATTORNEYS FOR DEBTOR

CERTIFICATE OF SERVICE

This is to certify that on March 2, 2022, a true and correct copy of the foregoing document was served via email pursuant to the Court's ECF system upon the parties receiving electronic notice in this case. The Claimant was served by United States first class certified mail, return receipt requested, at the address listed below.

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ray Young Jr.
The Ventress Firm, P.C.
1322 Space Park Dr., Ste C222
Houston, TX 77058

/s/ Joyce W. Lindauer
Joyce W. Lindauer